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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,853	08/29/2003	David Duncan	7535.00007	8130
29747	7590	04/19/2006	EXAMINER	
GREENBERG TRAUIG 3773 HOWARD HUGHES PARKWAY SUITE 500 NORTH LAS VEGAS, NV 89109			CHANG, SUNRAY	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/651,853

Applicant(s)

DUNCAN ET AL.

Examiner

Sunray Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This office action is in responsive to the paper filed on February 7<sup>th</sup>, 2006.

Claims 5 – 17 are presented for examination.

Claims 5 – 17 are rejected.

Claims 1 – 4 are cancelled.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 5 – 17 are rejected** under 35 U.S.C. 102(e) as being anticipated by Mark J. Nixon (U.S. Patent No. 6,806,847, and referred to as **Nixon** hereinafter).

**Regarding independent claim 5,**

- A system for facilities management, [provide enhanced support within a process control environment, Col. 1, Lines 11 – 14] comprising:
- a server; [host computer, Col. 4, Lines 42 – 40]

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- a client [portable computer system] in communication with the server [host computer]; [Col. 4, Lines 42 – 40]
- a personality module [module, software routine] in communication [information] with the server [host computer], the personality module residing on an operating system relative to the client [module, software routine]; [Col. 15, Lines 8 – 20; Col. 18, Line 60 – Col. 19, Line 12]
- a user interface displayed on the client, [Fig. 7 – 14]
- the user interface designed to receive custom logic scripts from a user [manipulate the information, Col. 18, Lines 40 – 43]; [see also Col. 18, Lines 13 – 43] and
- a virtual machine [programmed ...control diagnostic activities, Col. 16, Lines 46 – 55], incorporating a programmable logic controller [the portable computer system ... being programmed to carry out field device ... activities, Col. 16, Lines 46 – 55], residing on the personality module [module, software routine], [Col. 15, Lines 8 – 20; Col. 18, Line 60 – Col. 19, Line 13]
- the virtual machine [graphical display, Col. 19, Lines 2 – 13; programmed ...control diagnostic activities, Col. 16, Lines 46 – 55] designed to execute the custom logic scripts [user input received from the keypad and sends a command, Abstract; Fig. 7 – 14].

**Regarding dependent claims 6, 7, 11, 12, 15 and 17,**

the portals each include

- a respective set of selected field devices [device, Col. 16, Lines 46 – 55, Col. 18, Lines 36 – 43], inputs [input, Col. 18, Lines 36 – 43], outputs [the information, Col. 18, Lines 36 – 43],

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and a logic script [user input received from the keypad and sends a command, Abstract; Fig. 7 – 14].

**Regarding dependent claim 8,**

The system of claim 5, wherein:

- the personality module [module, Col. 19, Lines 2 – 13; software routine, Col. 15, Lines 8 – 20] is coupled to a field device [Fig. 6; Fig. 7 – 14]; [Col. 18, Line 60 – Col. 19, Line 13] and
- the personality module [module, software routine] stores any logic scripts [user input, Col. 18, Lines 40 – 43] related [condition] to interacting with the field device [Fig. 12].

**Regarding independent claim 9,**

- A system for facilities management, [provide enhanced support within a process control environment, Col. 1, Lines 11 – 14] comprising:
- an interface residing on a client machine, the interface designed to receive customization information from a user, [a user input from the keypad and sends a command, Abstract]
- the customization information including logic scripts to be used in interacting with field devices; [Fig. 7 – 14, manipulate the information, activated, Col. 18, Lines 40 – 43] and
- a virtual machine [graphical display, Col. 19, Lines 2 – 13; programmed ... control diagnostic activities, Col. 16, Lines 46 – 55], incorporating a programmable logic controller [the portable computer system ... being programmed to carry out field device ... activities, Col. 16, Lines 46 – 55], for performing the logic scripts [manipulate the information, activated, Col. 18, Lines 40 – 43], the virtual machine residing on a personality module within an

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operating system relative to the client machine. [graphical display, Col. 19, Lines 2 – 13;  
programmed ...control diagnostic activities, Col. 16, Lines 46 – 55]

**Regarding dependent claim 13,**

The system of claim 9, further including:

- the personality module [module, Col. 19, Lines 2 – 13; software routine, Col. 15, Lines 8 – 20, see also Col. 15, Lines 21 – 45] in communication [information] with at least one device [Fig. 6; Fig. 7 – 14],
- the personality module [module, software routine] including the virtual machine [graphical display, Col. 19, Lines 2 – 13]; [Col. 15, Lines 8 – 20; Col. 18, Line 60 – Col. 19, Line 12] and
- a display [HUD, Col. 15, Lines 8 – 20] in communication with the personality module [module, software routine], wherein
- the interface [graphical display] is on the display [HUD].

**Regarding independent claim 14,**

- receiving user-defined logic scripts through an interface residing on a client, [user input received from the keypad and sends a command, Abstract; Fig. 7 – 14], wherein
- the logic scripts define system access policies [command];
- performing the user-defined logic scripts [manipulate the information, activated, Col. 18, Lines 40 – 43] with a virtual machine [graphical display, Col. 19, Lines 2 – 13; programmed ...control diagnostic activities, Col. 16, Lines 46 – 55] incorporating a programmable logic

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controller [the portable computer system ... being programmed to carry out field device ... activities, Col. 16, Lines 46 – 55] the virtual machine residing on an operating system relative to the client. [graphical display, Col. 19, Lines 2 – 13; programmed ... control diagnostic activities, Col. 16, Lines 46 – 55]

**Regarding independent claim 16,**

- A machine-readable media for use in an access control system [host computer],
  - the machine-readable media including instructions [software routine] which when executed [executed] by one or more computers in an access control system [computer] cause the access control system to perform the steps of: [Col. 15, Lines 8 – 20]
  - receiving user-defined logic scripts through an interface residing on a client, [implementing the functionality], [Col. 15, Lines 8 – 20] wherein
  - the logic scripts define system access policies [functionality]; [Col. 15, Lines 8 – 20]
  - performing the user-defined logic scripts with a virtual machine [graphical display, Col. 19, Lines 2 – 13; programmed ... control diagnostic activities, Col. 16, Lines 46 – 55]
- incorporating a programmable logic controller [the portable computer system ... being programmed to carry out field device ... activities, Col. 16, Lines 46 – 55], [carry out field device activities, Col. 16, Lines 46 – 55] the virtual machine residing on an operating system relative to the client machine. [graphical display, Col. 19, Lines 2 – 13; programmed ... control diagnostic activities, Col. 16, Lines 46 – 55]

**Response to Amendment**

**Claim Rejections - 35 USC § 102**

3. Applicants' argument regarding "a personality module residing on an operating system relative to a client ... not on an independent operating system as required by the amended claims ... fail to disclose an intermediary device between the portable computer system and the host computer" is disagreed with, which are not the same with the language used in independent claims. Applicants use the term, "relative", to be the relationship between an operation system and a client machine. In responsive to forth office action, applicants agree that "the module or software routine (personal module) of Nixon resides on either the portable computer system or the host computer" [Page 6/7, Lines 11 – 13], herein, "resides on" can be treated as "relative".

**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

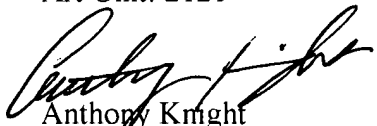
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.



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A handwritten signature in black ink, appearing to read "Anthony Knight", is written over the printed name.

Anthony Knight  
Supervisory Primary Examiner  
Group Art Unit 2121  
Technology Center 2100  
U.S. Patent and Trademark Office

April 13, 2006